**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO.4522 of 2005

M/s Idea Cellular Ltd, .. Petitioner

Vs

Smt Mrudula Rajendra Gandhi, .. Respondent

Mr Madhav Jamdar, for the petitioner.
Mr Rajesh Datar, for the respondent.

**CORAM : D.B.BHOSALE,J.**
**DATE : 27.09.2006**

**PC:**

1. Heard the learned counsel for the parties.

2. Rule. Returnable forthwith. Mr Datar, learned counsel, waives service for the respondent. By consent, rule is heard finally.

3. By this writ petition, the petitioner has impugned the order dated 2.4.2005 passed on Exhibit-1 in Spl. Civil Suit No.95 of 2004 holding that the court has jurisdiction to try the suit. While passing this order, the learned Judge seems to have lost sight of the provisions of section 8 of Arbitration and Conciliation Act,1996 and the prayer made to that effect in the application-Exhibit-13 filed by the petitioner. In view thereof, the learned counsel for the parties have agreed for the following order.

(a) The order dated 2.4.2995 impugned in the present writ petition is quashed and set aside.

(b) The court below shall consider the application at Exhibit-13 and in particular the prayer (a) thereof afresh and pass appropriate orders as expeditiously as possible and preferably within a period of three months from the date of receipt of this order on merits in accordance with law. With these observations the rule is disposed of.

(D.B.BHOSALE,J.)